Date: May 15, 2020
To: Planning Advisory Committee
From: Growth & Community Planning
Growth & Community Development Services
Meeting: May 20, 2020

SUBJECT

Applicant: Acre Architects
Landowner: Saint John Non-Profit Housing Ltd.
Location: 7-19 Wellington Row and 115-119 Union Street
PID: 00037358, 00037341, 00037333, 00037770, 00037788, 00037796
Plan Designation: Primary Centre
Zoning: Uptown Commercial (CU)
Application Type: Variance
Jurisdiction: The Community Planning Act authorizes the Committee to grant a reasonable variance from the requirements of the Zoning By-law. Terms and conditions can be imposed.

EXECUTIVE SUMMARY

The Proposal for an infill apartment on Union and Wellington Row has been in the design development stage for the past few years. A number of variances are required to enable the Proposal to move forward, including a variance from the front façade step back requirement, which was recently introduced with the implementation of the Central Peninsula Secondary
Plan. The design and articulation of the building and the neighbourhood context provide reasonable grounds for the Committee to vary this requirement.

**RECOMMENDATION**

That the Planning Advisory Committee grant a variance to reduce the depth of the required step back from 3 metre to nil.

**DECISION HISTORY**

There are no relevant past decisions with respect to the property.

**ANALYSIS**

**Proposal**

The proposed development is a 47-unit apartment complex, “The Wellington,” with the first floor containing commercial uses and five levels of residential above. 24 of the units are one-bedroom affordable units and the remaining 23 are two-bedroom market rentals. The development utilizes mass timber construction and has been designed to passive house energy efficiency standards. Eleven parking stalls are provided on-site, with access off Union Street and a main entrance located on Wellington Row.

**Site and Neighbourhood**

The site is located at the corner of Union Street and Wellington Row in the City’s uptown neighbourhood. The site is 1,136 square metres and has been vacant over the past two years. To the north, the subject block consists of a number of office buildings, including the repurposed former synagogue and a single family residence. A local common is situated between the site and properties to the west, which consists of a converted dwelling and Peel Plaza complex. To the east, crossing Wellington Row, facing onto Union Street is a liquor store and a number of other small scale commercial buildings. Crossing Union Street to the south, the site abuts the commercial core of the City, which contains the tallest buildings in the City and provides access through the pedway system to a broad range of services and amenities.

**Municipal Plan and Central Peninsula Secondary Plan**

The proposal is strongly supported by both the Municipal Plan and Secondary Plan. As with much of the neighbourhood, the property is designated Primary Centre (Map 2 – Future Land Use). Policies LU-11 and LU-13 intend this area to be the home of the highest intensity mixed-use development in the City and encourage high density residential uses. Furthermore, Policy LU-15 encourages the redevelopment of lands within the Uptown Primary Centre. A full review of Municipal Plan Urban Design policy is provided in Attachment 2.

The proposal is situated on the Union Street Corridor within the Uptown Neighbourhood according to the Central Peninsula Secondary Plan. The proposal fulfills much of the vision for new infill development in this neighbourhood. The building is mixed use and of high quality
design, with an emphasis on creating a pedestrian-oriented environment and animated public realm. The proposal fulfills Policy US-1 by providing infill of a vacant lot and improving pedestrian conditions on Union Street through the creation of an active ground floor use. In terms of the building design, Policy BD-11 of the Secondary Plan states that street wall heights in commercial areas are generally a maximum of five storeys. The overall height of the Proposal is six storeys and well within this generally range for this area of the City.

**Zoning By-law and Variances**

1) Section 15(2)a of the Zoning By-law requires that buildings step back at an elevation of 14 metres for any additional storey to a minimum depth of 3 metres away from the street facing front façade (Union Street).

The applicant is requesting that the step back requirement be eliminated. A variance from this requirement is reasonable because of the design of the building and neighbourhood context. The building is articulated to differentiate the ground floor from the top of the building through a difference in materials and transparent areas (Submission 2 – Elevation Plans). Furthermore, the building is located on a prominent corner and designed in a way to open the corner of Union/Wellington Row with an exterior space for the ground floor commercial use. This patio area ensures a 1:1 street to building height ratio is maintained and that the height of the building will have no adverse effect on the public realm.

The property is zoned Uptown Commercial (CU) (Map 3 – Zoning). The maximum building height prescribed by Schedule G of the Zoning By-law is 28 metres. Within the vicinity of the subject property there are a variety of building forms, ranging from low-rise two to three storey commercial to mid-rise buildings such as a 20 metre parking garage, 20 metre justice complex, and 70 metre high rise. The proposal will make a positive contribution to the character of the neighbourhood in terms of introducing a new building form that adds vibrancy to the street through an active ground floor use and enhanced landscaping.

**Development Officer Variances**

In addition to the above-mentioned variance sought from the Committee, there are a number of minor variances from the Zoning By-law required to enable the proposal:

2) Section 11.1(4)e and 11.1(4)i of the Zoning By-law requires that the maximum front and flankage yard set back be no greater than 3 metres.

The applicant is requesting that the front yard set back be increased to 3.28 metres and the flankage yard set back be increased to 3.7 metres. These variances are reasonable and complement the height of the building and step back variance sought. The applicant has indicated that these variances serve to:

(1) open up the corner to maintain a visual to the Loyalist House,
(2) provide pedestrians at the corner clear lines of sight for a safer crossing,
(3) provide an exterior space, and
(4) align the Union Street façade with the neighbouring building and police station.

3) Section 4.1(2)(j)(ii) requires that no access be used closer to a lot line than 1.5 metres of a side and rear lot line.

The applicant is requesting to vary this standard. The access provided off Union Street utilizes a local common and is necessary to and desirable for the development of the land. In addition to the applicant, the adjacent owner to the west and the City of Saint John have a right to the local common by way of a grant dating back to 1842. All other parties have been notified of the Proposal.

Conclusion
The variance to the step back is reasonable by virtue of the design of the building and surrounding neighbourhood context. The development provides affordable housing, urban design excellence, green building design, adds density to an intensification area, and reinforces the adjacent commercial core through its ground floor use. Staff recommend approval of the step back variance to enable the Proposal.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives were considered.

ENGAGEMENT

Public
In accordance with the Committee’s Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on February 28, 2020. In addition, neighbours affected by Development Officer variances were notified via letter. With the re-scheduling of the meeting from March 17th to May 20th, 2020, neighbours were re-notified of the meeting on May 8th, 2020.

APPROVALS AND CONTACT

<table>
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<tr>
<th>Author</th>
<th>Manager</th>
<th>Commissioner</th>
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<tbody>
<tr>
<td>Andrew Reid, MCIP, RPP</td>
<td>Ken Melanson, BA, MCIP, RPP</td>
<td>Jacqueline Hamilton, MCIP, RPP</td>
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Contact: Andrew Reid
Telephone: (506) 658-4447
Email: Andy.Reid@saintjohn.ca
Application: 20-0030

APPENDIX
Map 1: Site Location
Map 2: Future Land Use
Map 3: Zoning
Map 4: Aerial Photography
Attachment 1: Site Photography
Attachment 2: Municipal Plan Policy Review – Urban Design
Submission 1: Site Plan
Submission 2: Elevation Plans
Submission 3: Rendering
Map 2 - Future Land Use
Acre Architects - 7-19 Wellington Row
(CFN) Neighbourhood Community Facility
(CU) Uptown Commercial
(P) Park
(RC) Urban Centre Residential

Map 3 - Zoning
Acre Architects - 7-19 Wellington Row
Policy UD-9

Ensure all development proposals generally conform to the following General Urban Design Principles:

a. That new development respect and reinforce the existing and planned context in which it is located through appropriate setbacks, landscaping, buildings entrances, building massing, architectural style and building materials. Specifically, the built-form of new development shall be designed to achieve the following objectives for specific areas of the City:
   i. In the Primary Centre and Neighbourhood Intensification Areas, as identified on the City Structure map (Schedule A), new development will be located and organized to frame and support the surrounding public realm and massed to fit harmoniously into the surrounding environment, including appropriate transitions in height and massing to areas of lower intensity development, as set out in Policy UD-11;

b. Locating building entrances facing the public street;

c. Designing sites to incorporate existing natural features and topography;

d. Designing sites to protect, create and/or enhance important view corridors to the water or landmark sites or buildings;

e. Incorporating innovations in built form, aesthetics and building function to encourage high quality contemporary design that will form the next generation of heritage;

f. Where appropriate and desirable, encouraging active pedestrian-oriented uses and a high level of transparency at grade to reinforce and help animate the public realm;

g. Designing sites, buildings and adjacent public spaces as complete concepts with integrated functions;

h. Using quality, durable building materials and a consistent level of design and detail for all elements of the building;

i. Designing for visual interest by incorporating well-articulated building façades, landscaping, local history, public art and/or culture into sites and buildings;

j. Directing high-rise buildings to appropriate areas and ensuring their design is sensitive to the neighbourhood and/or heritage context;

k. Encouraging sustainability in design by:
   i. Utilizing reused, recycled, renewable or local building materials where possible;
   ii. Using green building or neighbourhood standards;

l. Sustainability and energy efficiency is a key aspect of the proposal. The building is designed to passive house standards.

ii. Utilizing reused, recycled, renewable or local building materials where possible;

iii. Using green building or neighbourhood standards;
iii. Designing for energy efficiency and alternative sources of energy;
iv. Designing for water conservation and on-site stormwater management;
v. Promoting the conservation and adaptive re-use of existing buildings and designing sites to retain mature trees;
vi. Designing sites and buildings to work with, rather than against, the natural environment by designing according to the topography, hydrology, ecology and natural drainage patterns of the site and taking advantage of passive solar gain and natural light; and
vii. Using native vegetation for landscaping where appropriate.

Policy UD-11

Ensure that new development and significant redevelopment in Neighbourhood Intensification Areas and Primary Centres will be designed to enhance the surrounding public realm and to complement the existing context while providing opportunities for intensification, where appropriate. In particular, development will demonstrate due consideration to:

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<th>Policy UD-11 Details</th>
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<td>a. Designing sites and buildings for people as the primary focus and with setbacks that are generally consistent with those of adjacent buildings;</td>
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<td>b. Creating animated, active streetscapes with interesting façades and human scale buildings and setbacks, particularly at the street level. Within the Uptown and other Urban Neighbourhood Intensification Areas, development should generally establish a human scale street wall with an appropriate ratio between the street wall height of the building and the width of the street;</td>
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<td>c. Where appropriate, ensure heritage streetscapes and Heritage Conservation Areas are reinforced with compatibly scaled and designed development;</td>
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<td>d. Providing active ground floor uses and avoiding blank façades. Along commercial streets in the Uptown Primary Centre in particular, commercial uses</td>
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standard, which aims to deliver large reductions in energy for heating and cooling of the building by maximizing the building’s thermal shell.

l. The proposal makes use of a vacant lot and will add new residents to provide “eyes on the street.”
m. Parking will be screened from street view as it is provided in the side yard and within the shell of the building.
n. See above.

a. The proposal includes a patio area that will make full use of a prominent corner and contribute positively to the public realm. The front and flankage yard setbacks are consistent with the neighbouring property.
b. The proposal establishes a human scale through the at-grade treatment of the building. The street wall to road ratio is an appropriate one due to the front yard setback (1:1 ration) and the building height will not create an adverse effect on the public realm.
c. n/a
d. The building features a high degree of transparent areas. An active ground floor use is provided to animate Union Street and Wellington Row.
e. There are few comparable precedents adjacent to the proposal. Along Union Street and Wellington Row, the first storey is a “walk up.” The proposal’s ground floor to ceiling height is generally consistent (3.2m).
shall be strongly encouraged at the ground floor of buildings with a high degree of
transparency at grade to animate the public realm;
e. Strongly encourage new development to provide ground floor ceiling heights
that are consistent with the ground floor ceiling heights of adjacent buildings;
f. Creating appropriate transitions in scale and height to areas of lower intensity;
g. Defining appropriate standards for above grade step-backs and separation
distances of buildings to ensure adequate street level conditions with respect to
minimizing wind and maximizing sun penetration and sky exposure;
h. Generally locating building entrances to connect directly to the public street
network and clearly articulating the building entrance;
i. Designing sites and buildings that are barrier-free, convenient and have clear
signage;
j. Promoting pedestrian comfort with appropriate landscaping, furniture, weather
protection and buffers from vehicular traffic;
k. Designing for active and alternative modes of transportation by providing
convenient access to buildings from transit stops, including bicycle parking and
end-of-trip facilities where appropriate, and mid-block pedestrian connections
where possible;
l. Designing sites and buildings to facilitate social interaction by including patios,
courtyards, plazas and sidewalk amenity space wherever possible to enliven the
public or semi-public realm;
m. Designing sites and buildings for visual interest and maximum use in different
seasons and at different times of the day;
n. Including a variety of uses in buildings and/or sites to allow for a diversity of
uses and users; and
o. Encouraging shared elements between uses such as parking, entrances,
landscaping and amenity spaces.

f. The building is not situated within an area of lower
density and its massing of the building is not anticipated to
have an adverse effect on neighbouring properties.
g. The building is not anticipated to have a negative effect
on street level conditions in terms of wind or loss of sun
penetration. There would be increased shadowing in the
parking lot to the north. Overall, the building should add
vibrancy to the street level experience.
h. The building location is clearly articulated through use
of materials, landscaping, and amenities such as bike
racks.
i. The building features three barrier free parking stalls.
j. Weather protective elements include an awning on the
corner of the building.
k. Bicycle parking is not a requirement within this area;
however, parking stalls are provided in the flankage yard.
The proposal is situated within 200 metres of a public
transit stop.
l. A covered patio area is proposed to occupy the corner
of the front/flankage yard and will help enliven the public
realm.
m. The building is of a contemporary design and features
a number of points of visual interest in its articulation,
without detracting from the neighbourhood context and
view plains.
n. The building will contain a mixture of uses.
o. n/a
PROPOSED SIX STOREY BUILDING
7 WELLINGTON ROW

EXISTING PROPERTY LINE
EXISTING PROPERTY LINE
EXISTING PROPERTY LINE
EXISTING PROPERTY LINE

EXISTING SIDEWALK
EXISTING SIDEWALK
EXISTING SIDEWALK
EXISTING SIDEWALK

ASPHALT PARKING AREA
ASPHALT PARKING AREA
ASPHALT PARKING AREA
ASPHALT PARKING AREA

ASPHALT DRIVEWAY
ASPHALT DRIVEWAY
ASPHALT DRIVEWAY
ASPHALT DRIVEWAY

EXISTING TREE TO REMAIN
EXISTING TREE TO REMAIN
EXISTING TREE TO REMAIN
EXISTING TREE TO REMAIN

PROPOSED BIKE RACKS

PROPOSED TRANSFORMER

EXISTING ENTRY
ENTRY

REST. ENTRY

RETAIL ENTRY

GRASS
GRASS
GRASS

1. REFER TO DESAULNIERS SURVEY INC. DATED OCTOBER 31, 2019, JOB # 4964-R2 FOR SITE SURVEY INFORMATION
2. REFER TO C1.2 FOR PROPOSED CIVIL PLAN
3. REFER TO A201 FOR COMMERCIAL LEVEL FLOOR PLAN - LEVEL 1 FOR MAIN LEVEL LAYOUT

NOT FOR CONSTRUCTION
DESIGN DEVELOPMENT

PROJECT:
THE WELLINGTON
7 WELLINGTON ROW
SAINT JOHN, NB  E2L 3H4

CLIENT:
Saint John Non Profit Housing Inc.
14 King Square S
Saint John, NB  E2L 1E5

STRUCTURAL:
Blackwell Structural Engineers
134 Peter Street, Suite 1301
Toronto, ON  M5V 2H2

CIVIL:
Fundy Engineering & Consulting
27 Wellington Row
Saint John, NB  E2L 3H4

MECHANICAL:
Fundy Engineering & Consulting
27 Wellington Row
Saint John, NB  E2L 3H4

ELECTRICAL:
Fundy Engineering & Consulting
27 Wellington Row
Saint John, NB  E2L 3H4

CONTRACTOR TO VERIFY DIMENSIONS PRIOR TO CONSTRUCTING THE WORK. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES. DO NOT SCALE DRAWINGS. CONSTRUCT THE WORK IN ACCORDANCE WITH NBCC 2005.